

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

TIGER MASONRY, INC.	§ § § § § §	PLAINTIFF
v.		Civil No. 1:10CV485-HSO-JMR
TRAVELERS CASUALTY & SURETY COMPANY OF AMERICA		DEFENDANT

**ORDER GRANTING DEFENDANT'S MOTION FOR STAY
OF PROCEEDINGS AND PLACING CASE ON SUSPENSION TRACK**

BEFORE THE COURT is Defendant's Motion for Stay of Proceedings filed April 1, 2011 [17-1], in the above-captioned cause. Plaintiff filed a Response in Opposition on April 11, 2011 [20-1] and Defendant a Rebuttal on April 18, 2011 [21-1]. The Court notes that while Plaintiff filed a Surrebuttal on April 21, 2011 [22-1], without leave of Court, this pleading was considered in the overall analysis and does not result in undue prejudice to Defendant. *Okunoren v. U.S.*, 2009 WL 1395471, *2 (S.D. Miss. 2009).

At issue in the present case is a payment bond. Defendant submits that:

before Tiger Masonry, Inc. ("Tiger") can show it is entitled to any monies from Travelers, Tiger must first show that it is entitled to monies from the principal on the bond, The LaSalle Group, Inc. ("LaSalle") pursuant to the contract between Tiger and LaSalle. There is litigation currently pending in Michigan to determine this very issue between LaSalle and Tiger.

Def.'s Mem. in Support of Mot. for Stay at pp. 1-2.

The Court has reviewed the pleadings on file in both cases and finds that until such time as the United States District Court for the Eastern District of Michigan resolves *LaSalle v. Tiger Masonry, Inc., et al.*, No. 10-11328, this case should be

removed from the active docket and placed on the suspension track. All proceedings in this cause, including motion resolution, additional discovery and disclosures, are stayed until further order of the Court. Upon resolution of *LaSalle*, by the Michigan District Court, the parties must contact Chief United States Magistrate Judge John Roper for resetting of the pertinent deadlines in this case. Accordingly,

IT IS, ORDERED AND ADJUDGED that, Defendant's Motion for Stay of Proceedings filed April 1, 2011 [17-1], should be and hereby is **GRANTED**. Within ten [10] days of resolution of *LaSalle v. Tiger Masonry, Inc., et al.*, No. 10-11328, the parties must thereafter contact Chief United States Magistrate Judge John Roper with a status report and/or in order for this matter to be reset on the Court's docket.

IT IS, FURTHER ORDERED AND ADJUDGED, that all pending motions are hereby **DENIED WITHOUT PREJUDICE**, with leave to reassert once the case is reinstated on the active docket.

SO ORDERED AND ADJUDGED, this the 22nd day of April, 2011.

s/ Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE